

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISCONSIN LABORERS HEALTH FUND,
WISCONSIN LABORERS PENSION FUND,
WISCONSIN LABORERS APPRENTICE
AND TRAINING FUND, BUILDING & PUBLIC
WORKS LABORERS VACATION FUND,
JOHN J. SCHMITT, in his capacity as Trustee,
WISCONSIN LABORERS DISTRICT COUNCIL,
and WISCONSIN LABORERS - EMPLOYERS
COOPERATION AND EDUCATION TRUST FUND,

Plaintiffs,

v.

ORDER

21-cv-556-wmc

GROUND EFFECTS OF WISCONSIN, INC.,

Defendant.

On January 12, 2022, the court held a telephonic hearing on plaintiffs' motion for default judgment (dkt. #8), at which plaintiffs appeared by counsel, Attorney Alexander John Sterling, and interested parties Charlene Boelter, defendant's president and corporate representative, and Mark Hanson, a shareholder in charge of defendant's operations, also appeared. Because the defendant is a corporation, as the court explained, neither Boelter nor Hanson were able to represent defendant; nonetheless, the court allowed their participation. In light of questions raised as to the adequacy of plaintiffs' service of the motion for default judgment and supporting materials on defendant, as well as defendant's actual notice of the amount at stake in this lawsuit, the court agreed to withhold the entry of judgment and continue the hearing via Zoom videoconference on February 11, 2022, at 9:00 a.m. Moreover, as set forth on the record, the court issues the following schedule:

- On or before January 24, 2022, plaintiffs may file any evidence of defendant having been timely served with the motion for default judgment or receiving actual notice of the amounts likely being sought in that motion or this lawsuit. If the court concludes that this evidence forecloses representations that defendant did not receive notice of the amount sought until January 11, 2022, the court may enter default judgment without holding the planned February 11 hearing.
- On or before January 25, 2022, defendant is directed to retain counsel and file a notice of appearance. Failure to appear by counsel will result in the court entering default judgment without holding the planned February 11 hearing.
- On or before January 31, 2022, defendant may file a response to plaintiffs' motion for default judgment and supporting materials, as well as any January 24 supplement to that motion allowed by this order.

Entered this 12th day of January, 2022.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge